

Appl. No. 09/884,727

APP 1271

Amdt. Dated January 28, 2005

Reply to Office Action of December 2, 2004

Remarks

In the Office Action being responded to independent claim 1 and dependent claims 3, 10, and 11 were rejected, 35 USC 103(a), on art but claims 2 and 4-9 in the Patent Action Summary were indicated as just being objected to. Applicant has based the present Amendment on the assumption that the objection to these claims was that they were dependent from a claim or claims not allowed, though this was not stated as such in the Detailed Action.


In accordance with that assumption, applicant has amended claim 1 to include the subject matter of allowable claim 2 which is being cancelled, so that now all of the claims in the application, whether indicated in the Office Action as allowable or rejected, are dependent directly or indirectly on allowable claim 1, as amended.

It is therefore believed that all of claims 1 and 3 through 11 are now allowable, and reconsideration and allowance of these claims is respectfully requested.

Applicant also submits that this application is now in condition to be passed to issue and such action is also respectfully requested. However, if the Examiner deems it would in any way expedite the prosecution of this application, he is invited to telephone applicant's attorney at the number set forth below.

Respectfully submitted,

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By 
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09/884727

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 1/28/05 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings: _____
- ☒ 4. Amendments to the claims:
- ☒ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: FAX TRANSMISSION FAILURE, MISSING CLAIMS 8-11.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/cpl/a/procnotice/office/1ver.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

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